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19

DECLARATION OF COUNSEL

13 I, Emilio Dorame-Martinez, hereby declare the following of my own knowledge under
14 penalty of perjury according to the laws of the State of California. I am over the age of eighteen and
15 am not a party to this action. I am a provisionally licensed attorney, licensed by the State of
16 California under Rule of Court 9.49. My State Bar number is PL-497095 and my supervising
17 attorney is Ramiro Rodriguez state bar number 88069. My office is jointly representing with
18 Howard Williams; the filing attorney the Plaintiff, Guida Dennis and the moving party herein. I am
19 making this affidavit as an attachment to the Motion for a Temporary Restraining Order. All of the
20 following facts are true as they relate to the following:
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22

- 23 1. On January 11, 2021, my associate Howard Williams filed a lawsuit on behalf of the Plaintiff in
24 federal district court, CASE #: 1:22-cv-00045-JLT-BAM.
- 25 2. On January 11, 2021, I contacted the Office of County Counsel for the County of Tulare, via
26 phone call.
- 27 3. I informed the clerks office that my associates were suing the County of Tulare along with the
28 Tulare City School District and I gave her the case number from the Federal Court System file
stamp system.
4. She transferred me to a lawyer who works for the office of County counsel named Chaz.

- 1 5. I gave him my name and office information and informed them my office and the other offices
- 2 associated with mine, we were suing the County of Tulare on behalf of the Plaintiff in Fresno
- 3 District Court.
- 4 6. In formed him we were seeking a temporary restraining order and asked if he could accept
- 5 service of process on behalf of the County.
- 6 7. Chaz said he was not authorized to accept service of process on behalf of the county nor could
- 7 he assist me further in this matter.
- 8 8. I further researched the email address for the office of county counsel and found their public
- 9 website provides an email address where they can be reached.
- 10 9. Tulare County Counsel's public email address listed on their website is
- 11 tularecountycounseloffice@co.tulare.ca.us.
- 12 10. Afterward, I called the city of Tulare and left a message with Katie, who returned my call from a
- 13 private law firm and stated that she represents the city of Tulare but not the individual school
- 14 districts.
- 15 11. She was very helpful but she could not direct me to the individual firm which represents Tulare
- 16 City School District.
- 17 12. Upon further research, I contacted TCSD directly and spoke with Cheri Crooks.
- 18 13. During my conversation with Ms Crooks, she informed me that she was the agent who is
- 19 authorized to accept service of process for TCSD School district and its agents.
- 20 14. I informed her that we have filed a lawsuit against TCSD, which specifically was seeking a
- 21 TRO.
- 22 15. I informed her I would be sending over all of the necessary documents as soon as they were
- 23 returned filed back from the court with an order to provide notice.
- 24 16. I also asked her which lawyers office they use to represent the school district and she could not
- 25 inform me who was representing the school district.
- 26 17. Each of the named defendants are agents of the Tulare City School District and I was informed
- 27 by Ms. Crooks that she is authorized to accept legal documents on their behalf.
- 28

1 18. On January 13, 2021, my associate, Howard Williams, informed me that the Fresno District
2 Court had issued an order requiring notice to be provided so it can rule on hearing date for the
3 TRO.

4 19. The order issued reads as follows: "MINUTE ORDER (Text Only Entry) Plaintiff is directed to
5 provide notice to defendants of this lawsuit and of her motion for a temporary restraining order.
6 Thereafter, Plaintiff shall file a declaration demonstrating that such notice has been
7 accomplished. The Court will review the papers and will issue a further minute order if a
8 hearing will be calendared signed by District Judge Jennifer L. Thurston on January 13, 2022.
9 (Munoz, I) (Entered: 01/13/2022)".

10 20. I immediately began attempting to comply with this order.

11 21. I began drafting up the following attached letters, which were sent via email to the county
12 counsel office and cheri crooks via email.

13 22. I also attached to those emails submitted all of the necessary documents under rule 231; and
14 included an additional document not required: specifically the summons issued by the court on
15 1/11/21.

16 23. The Tulare County Counsel email was sent at 9:51am and the TCSD email was sent at 9:53 am.

17 24. At 11:10, I spoke with Cheri Crook who confirmed receipt of my email, and letter and told me
18 that she was going to review the documents and get back to me.

19 25. I informed her she should give those documents to her legal team and the named defendants,
20 and as soon as a hearing date is set, I'll send her a copy of the order.

21 26. She had some specific questions and I referred her directly to the documents I emailed and told
22 her to give them to her legal counsel because there were very sophisticated legal arguments that
23 needed to be addressed prior to the hearing.

24 27. Cheri was great, and she thanked me and told me she will be in touch.

25 28. At 11:15 am, I called the Tulare County Counsels office, informed them that I am a
26 provisionally licensed attorney and notified them that I submitted the documents regarding the
27 TRO and asked if they had seen them.

28 29. I was notified that they were received and currently being reviewed by Lilly Flores.

30. I asked if they needed anything else from me and they said no.

1 31. I immediately after executed this declaration of counsel.

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6 I hereby certify, that all facts and statements in the above affidavit are true to the best of my
7 knowledge. I swear to this under the penalty of perjury and do so execute this document on the date
8 specified below.

9 *Emilio Dorame-Martinez*

10 Dated: 1/13/21

11 Emilio Dorame-Martinez

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MARTINEZ LAW OFFICES

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Attorney
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Martinez CA, 94553

Office of County Counsel
1/13/22

2900 W Burrel Ave, Visalia,
CA 93291

Dear Office of County Counsel for the County of Tulare

My office reached out to yours on Tuesday to discuss the lawsuit between my associates and your county 1:22-cv-00045-JLT-BAM. I spoke with "Chaz" and informed him that we are seeking a TRO against the TCSD school district. I was informed on Tuesday that Chaz he believed he was not able to accept service of process for the County of Tulare nor was he able to accept notice of the TRO at the time.

Regardless of Chaz's beliefs, the County of Tulare is being sued and as of 1/13/21, the U.S. District Court for the Eastern District of California Fresno issued a minute order stating: Plaintiff is directed to provide notice to defendants of this lawsuit and of her motion for a temporary restraining order. Thereafter, Plaintiff shall file a declaration demonstrating that such notice has been accomplished. The Court will review the papers and will issue a further minute order if a hearing will be calendared signed by District Judge Jennifer L. Thurston on January 13, 2022. (Munoz, I) (Entered: 01/13/2022)".

In order to comply with this court order, my office is sending you over the following documents required to provide notice of a pending TRO. Attached to this letter and email is a Copy of all the documents required for a TRO hearing notice under local rule 231(c):

- (1) a complaint;
- (2) a motion for temporary restraining order;
- (3) a brief on all relevant legal issues presented by the motion;
- (4) an affidavit in support of the existence of an irreparable injury;
- (5) an affidavit detailing the notice or efforts to effect notice to the affected parties or counsel or showing good cause why notice should not be given, see L.R. 142;
- (6) a proposed temporary restraining order with a provision for a bond see L.R. 151;
- (7) a proposed order with blanks for fixing the time and date for hearing a motion for preliminary injunction, the date for the filing of responsive papers, the amount 95 of the bond, if any, and the date and hour of issuance, see L.R. 137; and
- (8) in all instances in which a temporary restraining order is requested ex parte, the proposed order shall further notify the affected party of the right to apply to the Court for modification or dissolution on two (2)

days' notice or such shorter notice as the Court may allow. See Fed. R. Civ. P. 65(b).

I will be submitting an affidavit to the court that I emailed the documents to you at tularecountycounseloffice@co.tulare.ca.us and will include a copy of this letter as well. I look forward to hearing from you on this matter.

Regards,

Emilio R. D. Martinez
Provisionally Licensed Attorney

MARTINEZ LAW OFFICES

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Provisionally Licensed
Attorney
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Martinez CA, 94553

Tulare City Unified School
District
1/13/22

Dear Cheri Crooks,

My office reached out to yours on Tuesday to discuss the lawsuit between my associates and your county 1:22-cv-00045-JLT-BAM. I spoke with you briefly and you informed me that you are authorized to accept service of process for the TCSD and its various agents. I informed you then that we are seeking a TRO against the TCSD school district and as soon as we got an order to show cause; I will send you the documents.

As of January 13, 2021, the Tulare City Unified School District is being sued for various violations of the constitution and as of 1/13/21, the U.S. District Court for the Eastern District of California Fresno issued a minute order stating: "Plaintiff is directed to provide notice to defendants of this lawsuit and of her motion for a temporary restraining order. Thereafter, Plaintiff shall file a declaration demonstrating that such notice has been accomplished. The Court will review the papers and will issue a further minute order if a hearing will be calendared signed by District Judge Jennifer L. Thurston on January 13, 2022. (Munoz, I) (Entered: 01/13/2022)".

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Attached to this letter and email is a Copy of all the documents required for a TRO hearing notice under local rule 231(C)

- (1) a complaint;
- (2) a motion for temporary restraining order;
- (3) a brief on all relevant legal issues presented by the motion;
- (4) an affidavit in support of the existence of an irreparable injury;
- (5) an affidavit detailing the notice or efforts to effect notice to the affected parties or counsel or showing good cause why notice should not be given, see L.R. 142;
- (6) a proposed temporary restraining order with a provision for a bond see L.R. 151;
- (7) a proposed order with blanks for fixing the time and date for hearing a motion for preliminary injunction, the date for the filing of responsive papers, the amount 95 of the bond, if any, and the date and hour of issuance, see L.R. 137; and
- (8) in all instances in which a temporary restraining order is requested ex parte, the proposed order shall further notify the affected party of the right to apply to the Court for modification or dissolution on two (2)

days' notice or such shorter notice as the Court may allow. See Fed. R. Civ. P. 65(b).

I will be submitting an affidavit to the court that I emailed the documents to you at tularecountycounseloffice@co.tulare.ca.us and will include a copy of this letter as well. I look forward to hearing from you on this matter.

Regards,

Emilio R. D. Martinez
Provisionally Licensed Attorney